

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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THOMAS M. EDMONDS,

Plaintiff,

-against-

THE CITY OF NEW YORK, P.O. WILLIAM
CHAN, Tax Id. No. 946849, P.O. DUANE
BARNES, Tax Id. No. 946626, and P.O.'s
"JOHN DOE" #1-10, individually and in
their Official Capacity (the name John Doe
being fictitious, as the true names are presently
unknown),

Defendants.
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MEMORANDUM & ORDER

11-CV-1933 (ENV) (RER)

VITALIANO, D.J.,

Thomas M. Edmonds commenced this action against the City of New York and police officers William Chan and Duane Barnes, alleging violations of his civil rights pursuant to 42 U.S.C. §§ 1983 and 1988. On August 28, 2012, after multiple motions from defendants to dismiss for lack of prosecution, Magistrate Judge Ramon E. Reyes, Jr. issued a Last Chance Order to plaintiff to respond to the motion to dismiss by October 5, 2012, or the Court would issue a Report and Recommendation ("R&R") to dismiss the case for failure to prosecute pursuant to Federal Rules of Civil Procedure 41(b). Plaintiff did not respond in any way and Judge Reyes entered this R&R recommending that the case be dismissed with prejudice.

In reviewing a report and recommendation of a magistrate judge, a district judge "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Further, a district judge is required to "determine de novo any part of the magistrate judge's disposition that has been properly objected to." Fed. R. Civ. P. 72(b)(3); see also Arista Records, LLC v. Doe 3, 604 F.3d 110, 116 (2d Cir. 2010). But, where no timely objection has been made, the "district court need only satisfy itself that there is no clear

error on the face of the record” to accept a magistrate judge’s Report and Recommendation. Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

Any objections to this order were to be filed by March 18, 2013. No objections have been filed. After careful review of the record, the Court finds the R&R to be correct, well-reasoned, and free of any clear error. The Court, therefore, adopts the R&R in its entirety as the opinion of the Court.

The Clerk of Court is directed to enter judgment and to close this case.

SO ORDERED.

Dated: Brooklyn, New York
March 29, 2013

/s/ ENV

ERIC N. VITALIANO
United States District Judge